

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

FEIN, SUCH, KAHN & SHEPARD, P.C.

Counsellors at Law

7 Century Drive - Suite 201

Parsippany, New Jersey 07054

(973) 538-9300

Attorneys for Secured Creditor

Select Portfolio Servicing, Inc., as
servicer for TOWD POINT MORTGAGE TRUST

2019-2, U.S. BANK NATIONAL

ASSOCIATION, AS INDENTURE TRUSTEE

R.A. LEBRON, ESQ.

SPS1916

bankruptcy@feinsuch.com

In Re:

EUBIE L. BETHEA

Debtor(s).

Case No.: 20-10061 ABA

Adv. No.:

Chapter: 13

Hearing Date: 3/11/21

Judge: Hon. Andrew B. Altenburg
Jr.

**OBJECTION OF SELECT PORTFOLIO
SERVICING, INC., AS SERVICER FOR
TOWD POINT MORTGAGE TRUST 2019-2,
U.S. BANK NATIONAL ASSOCIATION,
AS INDENTURE TRUSTEE TO
CONFIRMATION OF DEBTOR'S 3RD
MODIFIED CHAPTER 13 PLAN**

I, R.A. LEBRON, ESQ., do hereby certify as follows:

1. I am an attorney at law of the State of New Jersey associated with the law firm of FEIN, SUCH, KAHN & SHEPARD, P.C., attorneys for Select Portfolio Servicing, Inc., as servicer for TOWD POINT MORTGAGE TRUST 2019-2, U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE, ("Secured Creditor" herein), and I am fully familiar with the facts and circumstances of the within matter.

2. Secured Creditor objects to confirmation of Debtor's 3rd modified plan for the reasons which follow:

- (a) Secured Creditor holds the first mortgage on Debtor's residence located at 1068 LAKESHORE DR, CAMDEN NJ 81042. As of the date of the bankruptcy filing, Debtor was in default on the terms of the Note and Mortgage. Total arrears due to Secured Creditor through the plan is \$20.00. Secured Creditor has filed a proof of claim with the Court.
- (b) Debtor's proposed modified plan is insufficient in that it does not list Secured Creditor. Further, the modified plan is inconsistent with the terms of the *Order Resolving Objection to Confirmation* entered on October 21, 2020. Absent a modification by the Debtor, this plan cannot be confirmed.
- (c) Furthermore, Secured Creditor objects to Debtor's confirmation in that if the Debtor is post-petition delinquent at confirmation and Debtor's case is dismissed, then any excess funds that the Chapter 13 Trustee is holding should be released to the Secured Creditor. Absent the release of such excess funds in the possession of the Trustee, Secured Creditor is substantially harmed as the Debtor has enjoyed the benefit of the automatic stay to the detriment of Secured Creditor. Absent

such language in the Order of Confirmation,
confirmation of Debtor's plan must be denied.

3. For the reasons stated above, and for any others that the Court deems fit to adopt, Secured Creditor respectfully objects to Debtor's 3rd modified plan and confirmation thereof.

4. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

FEIN, SUCH, KAHN & SHEPARD, P.C.
Attorneys for Secured Creditor

/s/ R.A. Lebron, Esq.
R.A. LEBRON, ESQ.

DATED: January 28, 2021

cc: ERIC CLAYMAN - DEBTOR(S)' ATTORNEY
ISABEL C. BALBOA - TRUSTEE

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CERTIFICATION OF SERVICE

1. I, Ruth Essington:

☐ represent the _____ in this matter.

☒ am the secretary/paralegal for FEIN, SUCH, KAHN & SHEPARD, P.C.,
who represents the Secured Creditor, TOWD POINT MORTGAGE TRUST
2019-2, U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE in
this matter.

☐ am the _____ in the above case and am
representing myself.

2. On January 28, 2021, This office caused to be mailed a copy of the
following pleadings and/or documents to the parties listed in the
chart below:

a. Objection to Confirmation of 3rd Modified Plan.

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Eric Clayman Jenkins & Clayman 412 White Horse Pike Audubon, NJ 08106	Debtor(s)' Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)
Isabel C. Balboa Chapter 13 Standing Trustee Cherry Tree Corporate Center 535 Route 38 - Suite 580 Cherry Hill, NJ 08002	Trustee in Bankruptcy	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)
Eubie L. Bethea 1068 Lakeshore Drive Camden, NJ 08104	Debtor(s)	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	Debtor(s)	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: 01/28/21

/s/Ruth Essington

Paralegal